

Assembly Bill No. 2768

CHAPTER 213

An act to amend Sections 530, 534, 667, 669, 738, 4186, 5073.5, 5080.20, 5096.208, 5096.262, 6308, 6462, 7054, 7555, 9106, 13115, 22024, 25212, 25217.5, 31102, 32050, and 32054 of the Public Resources Code, to repeal Section 389 of the Public Utilities Code, and to amend Section 1803 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 27, 2010. Filed with
Secretary of State August 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2768, Committee on Utilities and Commerce. Vehicles: charter-party carriers: busdrivers.

Existing law requires the clerk of a court in which a person was convicted of specified violations to prepare and forward to the Department of Motor Vehicles an abstract of record of the court covering the case in which the person was convicted.

This bill would additionally require the clerk of the court to prepare and forward to the department an abstract of record of the court covering the case in which a person was convicted of driving a bus for a charter-party carrier without having a current and valid driver's license of the proper class, a passenger vehicle endorsement, or the required certificate.

Existing law establishes in the Public Resources Code various boards, commissions, and committees regarding, among other things, energy conservation, state parks, and state lands.

This bill would make technical, nonsubstantive changes to those provisions by replacing the term "chairman" with the gender neutral term "chair."

Existing law requires the Secretary of the California Environmental Protection Agency, prior to March 31, 1997, to submit a report to the Legislature on public policy strategies that address the feasibility of shifting costs from electric utility ratepayers, in whole or in part, to other classes of beneficiaries. Existing law requires the secretary, on or before March 31 of each year from 1999 to 2001, inclusive, to submit to the Legislature an annual report on the existence, status, and progress of any public policy measures for cost-shifting.

This bill would repeal those obsolete reporting provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 530 of the Public Resources Code is amended to read:

530. There is in the department the State Park and Recreation Commission consisting of nine members appointed by the Governor, subject to confirmation by the Senate. Whenever a reference is made to the State Park Commission or Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park Commission or the Recreation Commission, it shall be deemed to be a reference to and to mean the State Park and Recreation Commission.

The commission chair may appoint committees composed of commission members and the duties of the committees shall include, but not be limited to, those duties set forth in Sections 539 and 540. Findings and recommendations of the committees shall be presented to the commission for consideration and action.

SEC. 2. Section 534 of the Public Resources Code is amended to read:

534. The commission shall elect a chair from its number who shall serve as chair for one year and until a successor is elected.

SEC. 3. Section 667 of the Public Resources Code is amended to read:

667. Each member of the board shall receive one hundred dollars (\$100) for each day during which the member is engaged in the performance of official duties. The compensation of each member, except the compensation of the chair, shall not, however, exceed in any one fiscal year the sum of four thousand dollars (\$4,000). The chair of the board may receive compensation of not to exceed five thousand dollars (\$5,000) in any one fiscal year for the performance of official duties. In addition to the compensation, each member shall be reimbursed for necessary traveling and other expenses incurred in the performance of official duties.

SEC. 4. Section 669 of the Public Resources Code is amended to read:

669. The Governor shall designate the chair of the board from among the members of the board. The person designated as the chair shall hold the office at the pleasure of the Governor. The board shall annually elect a vice chair from among its members.

SEC. 5. Section 738 of the Public Resources Code is amended to read:

738. The Governor shall designate the chair of the board from among the members of the board. The person designated as the chair shall hold the office at the pleasure of the Governor. The board shall annually elect a vice chair from among its members.

SEC. 6. Section 4186 of the Public Resources Code is amended to read:

4186. All money that is received by the state pursuant to the federal Clarke-McNary Act and that is regularly allotted by the federal government according to an annual formula shall be paid into the General Fund. Any supplemental money received from the federal government pursuant to the federal Clarke-McNary Act for use by the department for specially designated projects shall be authorized by the Director of Finance for augmentation of the subitem captioned "Reimbursements" of the principal item of appropriation from the General Fund for the support of the department contained in the Budget Act for the fiscal year during which the supplemental money is received. However, the Director of Finance shall not authorize the augmentation sooner than 30 days after notification in

writing of the necessity for the augmentation to the chair of the committee in each house which considers appropriations and to the Chair of the Joint Legislative Budget Committee or sooner than any lesser time which the chair of that committee, or the chair's designee, may in each instance determine.

SEC. 7. Section 5073.5 of the Public Resources Code is amended to read:

5073.5. The Governor shall establish a California Recreational Trails Committee to advise the director in the development and coordination of the system. The committee shall consist of seven members appointed by the Governor. Two members shall be selected from the northern, two members from the southern, and two members from the central portions of the state, and one member shall be selected at large. Members shall be selected from lists submitted by private organizations that have a demonstrated interest in the establishment of recreation trails. The chair of the committee shall be elected by the members from their membership.

SEC. 8. Section 5080.20 of the Public Resources Code is amended to read:

5080.20. A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of five hundred thousand dollars (\$500,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and 5080.03 and are compatible with the classification of the unit in which the concession will be operated.

(b) The Legislature has reviewed and approved the proposed concession as part of the annual budget process or the requirements of subdivision (c) have been complied with. A proposed concession shall not be submitted for review by the Legislature until the commission has made its determination pursuant to subdivision (a), unless deferring review by the Legislature would be adverse to the interests of the public, in which case the Legislature's review may precede the commission's determination.

(c) Following enactment of the Budget Bill, the board has determined that the proposed concession could not have been presented to the Legislature for review and approval in the course of its consideration of the Budget Bill, or the proposed concession was reviewed and approved but it is necessary to revise the terms of the invitation to bid or the contract in a material respect, and that it would be adverse to the interests of the public to defer that review and approval to a time when the Legislature next considers a Budget Bill. Upon making that determination, the board may review and approve the proposed concession, or any revision thereof, after giving at least 20 days' written notice to the Chair of the Joint Legislative Budget Committee and to the chair of the fiscal and appropriate policy committees of its intended

action. All actions taken by the board pursuant to this subdivision shall be reported to the Legislature in the next Governor's Budget.

(d) The proposed concession is accompanied with documentation sufficient to enable the Legislature, the commission, and the board, as the case may be, to ascertain whether the concession will conform to the requirements of this article and, as to the Legislature and the board, to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

SEC. 9. Section 5096.208 of the Public Resources Code is amended to read:

5096.208. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Parklands Program Finance Committee is hereby created. The committee consists of the Governor, the Controller, the Director of Finance, the Treasurer, and the Secretary of the Natural Resources Agency. For the purposes of this chapter, the Parklands Program Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law, and the State Treasurer shall serve as chair of the committee. The Secretary of the Natural Resources Agency is hereby designated as "the board" for the purposes of the State General Obligation Bond Law.

SEC. 10. Section 5096.262 of the Public Resources Code is amended to read:

5096.262. For the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Parklands Program Finance Committee is hereby created. The committee consists of the Governor, the Controller, the Director of Finance, the Treasurer, and the Secretary of the Natural Resources Agency. For the purposes of this chapter, the Parklands Program Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law, and the Treasurer shall serve as chair of the committee. The Secretary of the Natural Resources Agency is hereby designated as "the board" for the purposes of the State General Obligation Bond Law.

SEC. 11. Section 6308 of the Public Resources Code is amended to read:

6308. When an action or proceeding is commenced by or against a county, city, or other political subdivision or agency of the state involving the title to or the boundaries of tidelands or submerged lands that have been or may hereafter be granted to it in trust by the Legislature, the State of California shall be joined as a necessary party defendant in the action or proceeding. Service of summons shall be made upon the chair of the State Lands Commission and upon the Attorney General, and the Attorney General shall represent the state in all the actions or proceedings. If judgment is given against the state in the action or proceeding, costs shall not be recovered from the state.

SEC. 12. Section 6462 of the Public Resources Code is amended to read:

6462. Service of summons in a suit shall be upon the chair of the State Lands Commission and the Attorney General and it shall be the duty of the Attorney General to represent the state in the suit.

SEC. 13. Section 7054 of the Public Resources Code is amended to read:
7054. An order to lease made by the governing body shall authorize and direct the execution and delivery by the chair or other presiding officer of a lease to the lessee.

SEC. 14. Section 7555 of the Public Resources Code is amended to read:
7555. In a case where the state has sold lands acquired by it as swamp and overflowed lands, the person claiming or deraigning title to any lands through or under a purchase thereof from the state may bring suit against the state in a court of competent jurisdiction of the state to establish the boundaries of, and to quiet title to, the land or a portion thereof, and may prosecute the suit to final judgment. The complaint in the action shall contain a plat of the property described therein, which plat shall show the location of the property in respect to a section corner, the location of which is shown on an approved United States government township plat, or in respect to a monument that has been established by reference to a section corner.

Service of summons in the suits shall be made upon the chair of the State Lands Commission and upon the Attorney General, and the Attorney General shall represent the state in the suits.

Costs against the state shall not be allowed in the suit.

SEC. 15. Section 9106 of the Public Resources Code is amended to read:
9106. The commission shall elect a chair from its number who shall serve as chair for one year and until the chair's successor is elected.

SEC. 16. Section 13115 of the Public Resources Code is amended to read:

13115. The bonds shall be signed by the chair of the board and countersigned by the clerk of the board or the clerk's deputy and the coupons shall be signed by the clerk of the board or the clerk's deputy. All signatures, except that of the clerk, on the bonds may be printed, lithographed, or engraved. If an officer whose signature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds, the signature is as effective as if the officer had remained in office. All bonds shall be payable at the office of the county treasurer, who is the depository of the district.

SEC. 17. Section 22024 of the Public Resources Code is amended to read:

22024. The commission shall select from among its members a chair and a vice chair.

SEC. 18. Section 25212 of the Public Resources Code is amended to read:

25212. Every two years the Governor shall designate a chair and vice chair of the commission from among its members.

SEC. 19. Section 25217.5 of the Public Resources Code is amended to read:

25217.5. The chair of the commission shall direct the adviser, the executive director, and other staff in the performance of their duties in conformance with the policies and guidelines established by the commission.

SEC. 20. Section 31102 of the Public Resources Code is amended to read:

31102. The Secretary of the Natural Resources Agency shall select one of the public members to serve as the chair of the conservancy. The public member shall serve as chair at the pleasure of the secretary. A majority of the total authorized membership of the conservancy shall constitute a quorum for the transaction of any business under this division. The conservancy shall adopt its own regulations.

SEC. 21. Section 32050 of the Public Resources Code is amended to read:

32050. (a) There is in state government the California Urban Waterfront Area Restoration Financing Authority. The authority constitutes a public instrumentality and a political subdivision of the state, and the exercise by the authority of powers conferred by this division is the performance of an essential public function.

(b) The authority shall consist of five members, the Director of Finance, the Controller, the Treasurer, the Secretary of the Natural Resources Agency, and the executive director of the conservancy. The Treasurer shall serve as chair of the authority.

(c) Each of the members of the authority may select a designee from the member's agency to act for the member and represent the member at all meetings of the authority.

(d) The first meeting of the authority shall be convened by the Treasurer.

SEC. 22. Section 32054 of the Public Resources Code is amended to read:

32054. The chair shall appoint an executive director who shall not be a member of the authority and who shall serve at the pleasure of the authority and shall employ the staff of the conservancy and other necessary persons to enable the authority to properly perform the duties imposed upon it by this division. The executive director shall receive compensation as fixed by the authority. The authority may delegate to the executive director the power to enter contracts on behalf of the authority.

SEC. 23. Section 389 of the Public Utilities Code is repealed.

SEC. 24. Section 1803 of the Vehicle Code is amended to read:

1803. (a) (1) The clerk of a court in which a person was convicted of a violation of this code, was convicted of a violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, an aquaplane, or similar device, was convicted of a violation of Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation Code, a violation of subdivision (a) of Section 192.5 of the Penal Code, or a violation of subdivision (b) of Section 5387 of the Public Utilities Code, was convicted of an offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, was convicted of a felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or was convicted of a violation of any other statute relating to the safe operation of vehicles, shall prepare within five days after conviction and immediately forward to the department at its

office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within five days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

(2) For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a):

(1) Division 3.5 (commencing with Section 9840).

(2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11, except Section 22526.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) Violations for which a person was cited as a pedestrian or while operating a bicycle or a motorized scooter.

(7) Division 16.5 (commencing with Section 38000), except Sections 38301, 38301.3, 38301.5, 38304.1, and 38504.1.

(8) Subdivision (b) of Section 23221, subdivision (b) of Section 23223, subdivision (b) of Section 23225, and subdivision (b) of Section 23226.

(c) If the court impounds a license or orders a person to limit his or her driving pursuant to subdivision (d) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, that shall be prepared within five days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

(d) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(e) Within five days of an order terminating or revoking probation under Section 23602, the clerk of the court in which the order terminating or revoking probation was entered shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.